

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ZON-18208 - APPLICANT: FLETCHER JONES
MANAGEMENT GROUP, INC. - OWNER: FLETCHER JONES, SR. TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 2, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.

**** CONDITIONS ****

The Planning Commission (4-1/bg/1/rt vote) and staff recommend DENIAL.

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-18206) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Rezoning from R-1 (Single Family Residential) to C-2 (General Commercial) on a one-acre portion of a 9.34 acre parcel located at 400 South Decatur Boulevard, south of Meadows Lane. Staff recommends denial as the change in zone and proposed development and use of the site do not meet minimum Title 19 Commercial Development Standards.

Planning staff considers the proposed expansion as inappropriate for this area of the city. The project site is directly west of existing senior/retirement multi-family residential development to the west and within a one half mile radius of single family dwellings northwest along Meadows Lane. The project design does not meet the urban design standards of Title 19.08.050. The bulk and scale of the structure is more suitable within an industrial zoned area of the city. Furthermore, significant average daily vehicle trips will result with implementation of the project. Staff recommends denial of the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/01/94	The City Council accepted at the request of the applicant, a Withdrawal without Prejudice a request (Z-0030-74 (6)) for a Review of Condition to allow commercial access onto Brush Street on property located on the south side of Meadows Lane approximately 650 feet west of Decatur Boulevard.
04/16/86	The City Council considered and approved the Plot Plan Review for the Meadows School expansion. The Planning Commission and staff recommended approval. The Meadows School ceased operations at this location in June 1988.
03/20/85	The City Council considered and approved the Plot Plan Review for the Meadows School Project. The Planning Commission and staff recommended approval. The Planning Commission and staff recommended approval.
05/16/84	The City Council considered and approved the Plot Plan Review (Z-30-74) to operate a private elementary school on property located approximately 600 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval.
11/3/76	The Board of City Commissioners considered and approved a request for a Plot Plan Review (Z-30-74) for a body shop and paint room at 444 South Decatur Boulevard. The Planning Commission and staff recommended approval.

08/01/74	The Board of City Commissioners considered and approved a request for Reclassification of Property (Z-30-74) located south of the westerly prolongation of Michael Way. The Planning Commission and staff recommended approval.
02/22/07	The Planning Commission recommended denial of companion items VAR-18210, SUP-19129 and SDR-18206 concurrently with this application. The Planning Commission voted 4-1/bg/1/rt to recommend DENIAL (PC Agenda Item #20/ja.
<i>Related Building Permits/Business Licenses</i>	
None	
<i>Pre-Application Meeting</i>	
01/09/07	A Pre-application was held with the applicant. Planning staff advised the applicant of the requirement for a Site Development Plan Review and Development Impact Notice and Assessment (DINA) application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	9.34 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Automotive	GC (General Commercial)	Split Zoned: C-2 (General Commercial) R-1 (Single Family Residential)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Residential	H (High Density Residential)	R-PD42 (Residential Planned Development – 24 Units Per Acre)
East	Commercial	SC (Service Commercial)	C-2 (General Commercial)
West	Residential	MLA (Medium Low Attached Residential)	R-2 (Medium-Low Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment (DINA)	X		Y*
Project of Regional Significance		X	Y

* In accordance with Ordinance No. 5227 a DINA was prepared for the project to address the potential increase in Average Daily Trips (ADT) that may result with implementation of the proposed rezone and commercial development.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 lineal feet	680 lineal feet	Y
Min. Setbacks			
• Front	20	27	Y
• Side	10	38	Y
• Corner	15	115	Y
• Rear	20	55	Y
Max. Lot Coverage	50 percent	38 percent	Y
Max. Building Height	NA	26 feet	Y
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Screened	Screened	Y

ANALYSIS

The subject 9.34 property is split zoned with the majority of the site classified as C-2 (General Commercial) and the remaining approximately one acre portion delineated as R-1 (Single-Family Residential) along the west and northwest property lines. The proposed zone change to C-2 (General Commercial) will be consistent with the zoning for the greater part of the project site and the underlying General Plan land use.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed C-2 (General Commercial) zone is consistent with the underlying GC (General Commercial) land use designation of the General Plan. The project design, bulk and scale, and minimal landscaping are inconsistent with Title 19. Additionally, vehicle trips anticipated to be generated with this proposal may adversely impact the surrounding street network. The proposal is more suitable within an area designated for industrial uses.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

Existing zones surrounding the project site include R-2 (Medium-Low Density Residential), R-PD11 (Residential Planned Development – 11 Units per Acre) and C-1 (Limited Commercial). The proposed C-2 (General Commercial) district would allow uses that are considered undesirable in this area and incompatible with development in the area.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

As designed the proposed project is more intense than other existing and proposed development in the area. Furthermore, numerous Waivers and a Variance are requested. As such, the project is considered inappropriate for this area of the city.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

Access to the project site is adequate along Meadows Lane. However, the project will result in the generation of 4,100 Average Daily Trips (ADT) and which may negatively impact street and intersection operations along Meadows Lane and South Decatur Boulevard.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 300 by Planning Department

APPROVALS 0

PROTESTS 1